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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,879	01/16/2004	David Yee	220772010700	6985

25226 7590 11/23/2005

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

EXAMINER

CASAREGOLA, LOUIS J

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,879	Applicant(s) YEE ET AL.	
	Examiner Louis J. Casaregola	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Restriction Requirement

Restriction to one of the following inventions is required under 35 USC 121:

I. Claims 1-19 and 27-43 drawn to a method of operating a catalytic combustion system classified in Class 60, subclass 777, and

II. Claims 20-26 drawn to a catalytic combustion system classified in Class 60, subclass 723.

The inventions of Groups I and II above are distinct because the method of Group I could be practiced with apparatus materially different than that of Group II and/or, the apparatus of Group II could be operated according method materially different than that of Group I. As an example, note that apparatus claim 20 requires each preburner to include "one fuel manifold coupled to each of at least two fuel stages, wherein an orifice of the least one fuel manifold is sized proportional to an airflow through the combustor". The claimed method does not require manifold apparatus of this type – fuel to each or at least some of the preburners could be supplied directly from a fuel source without such a manifold arrangement.

Because these inventions are distinct for the reasons given above and require separate classification and/or divergent fields of search, restriction for examination purposes as indicated is proper.

Applicants are advised that even in the event that the restriction requirement is

traversed, the response to this requirement to be complete must include an election of the invention to be examined.

In addition to the above division between method and apparatus, further election of individual species is required.

Species Election

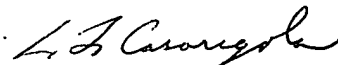
This application encompasses multiple species of the inventive subject. There are at least five different catalytic combustor configurations: the configuration in Figure 2, the configuration in Figure 6, the configuration in Figure 7, a fourth (unillustrated) configuration having a multi-stage preburner arrangement as described on page 6, and a fifth (unillustrated) configuration having adjustable dilution holes, vanes, or the like as described on page 13. There are also six different control systems as shown respectively in Figures 5, 8, 10, 11, 12 and 13. Pursuant to 35 USC 121, applicants are required for a complete response to elect a single disclosed species by selecting one of the five listed combustor configurations and by further selecting one of the six listed control systems. The combination of the selected combustor configuration and the selected control system will constitute the elected species. (If the elected species comprises one of the unillustrated combustor configurations, applicants are also required in response to this Office Action to submit an additional drawing figure properly showing

the elected configuration.) Applicants are additionally required to list all claims readable on the elected species including any claims subsequently added (MPEP 809.02(a)).

None of the present claims appear to be fully generic to all species.

Applicants are further advised that a mere argument alleging that a generic claim exists or is allowable will not satisfy a species election requirement. For a complete response, applicants must elect a single species and list the claims readable on that species as set forth above. (Because of the combined restriction and species election requirement as well as the complex nature of the claimed subject matter, election by telephone would be difficult in this case, and applicants have consequently not been offered the option of telephone election.)

L. J. Casaregola
571-272-4826 (M-F; 7:30-4:00)
571-273-8300 FAX
November 21, 2005


LOUIS J. CASAREGOLA
PRIMARY EXAMINER

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).